

APPEAL NO. 041088  
FILED JUNE 30, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 5, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury and because the claimant did not have a compensable injury the claimant did not have disability.

The claimant appealed, contending that her doctor had said she had a work-related injury and that she believed that she was entitled to temporary income benefits. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The claimant, a "wrapper/packer" testified that she injured her right shoulder removing or lifting a certain part. The evidence was in conflict, including the exact date of injury, the mechanics of the injury, the weight of the parts involved, whether the initial pain had resolved and the claimant had injured her arm/shoulder two days later throwing candy at a parade, and the history the claimant gave at various times. The claimant's medical expenses and time off were paid through group health and group disability benefits. The hearing officer commented about "various inconsistencies" in the evidence.

The questions of whether the claimant sustained a compensable injury, and whether she had disability, presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**TH  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Margaret L. Turner  
Appeals Judge